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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180

Complete if Known

Application Number 09/859,682
Filing Date 5/18/01
First Named Inventor Ashby et al
Examiner Name Izaguirre, Ismael
Art Unit 3765
Attorney Docket No. 034298-097

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MAY 17 2004
TECHNOLOGY CENTER #3760

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number

50-1698

Deposit Account Name

THELEN REID & PRIEST, LLP
P.O. Box 640640
San Jose, CA 95164-0640

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** = 0	X	= 0
Independent Claims	** = 0	X	= 0
Multiple Dependent		X	= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$) 180

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Adrienne Yeung	Registration No. (Attorney/Agent)	44,000	Telephone	408-292-5800
Signature				Date	May 17, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Ashby et al
SERIAL NO.: 09/859,682
FILING DATE: 5/18/01
TITLE: DEPTH AND PUNCTURE CONTROL FOR SYSTEM FOR
HEMOSTASIS OF BLOOD VESSEL
EXAMINER: Izaguirre, Ismael
ART UNIT: 3765

RECEIVED
MAY 17 2004
TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450,
on the date printed below:

Date: May 11, 2004Name: 

Ruth Rodriguez

COMMISSIONER FOR PATENTS
P.O. Box 1450, ALEXANDRIA, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Each item of information listed in the attached FORM PTO-1449, for which a copy of each is attached (unless the blanket waiver referred to below applies), may be material to the examination of the above-identified application and is, therefore, submitted in compliance with the duty of disclosure defined in 37 CFR §§ 1.56, 1.97 and 1.98. The Examiner is requested to review, consider and document each such item in the official record of this application.

05/13/2004 HTECKLU1 00000064 09059682

01 FC:1806

180.00 DP

Note: If this box ☐ is checked, this case was filed after June 30, 2003 and qualifies for the blanket waiver of deposit of copies of U.S. Patents and U.S. Patent Application

Publications in accordance with the written waiver of 37 CFR §1.98 (a)(2)(i) dated July 11, 2003. Accordingly, such copies are not attached.

This Information Disclosure Statement under 37 CFR §§ 1.56, 1.97 and 1.98 is not to be construed as a representation that a search has been made, that additional information material to the examination of this application does not exist, or that any one or more of these items constitutes prior art.

I

This statement is filed pursuant to **(CHECK ONE BOX)**:

☐

37 C.F.R. § 1.97(b).

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; **or**
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, **whichever event occurs last.**

Accordingly, this information disclosure statement requires no fee and no certification.

☒

37 C.F.R. § 1.97(c).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97(b), but **before** the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; **or**
- (3) an action that otherwise closes prosecution in the application.

Accordingly, this information disclosure statement requires either:

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); **or**
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).

☐

37 C.F.R. § 1.97(d).

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97 (c).

Accordingly, this information disclosure statement requires:

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); **and**
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. § 1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

II

Fees Due (**CHECK ONE BOX**):

- ☐ No fee is due.
- ☒ The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (\$180).

III

Certification (**CHECK ONE BOX**):

- ☒ No certification is necessary.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

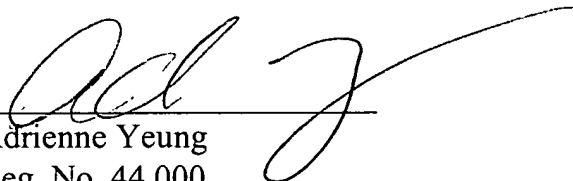
IV

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: May 11, 2004



Adrienne Yeung
Reg. No. 44,000

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SUB-Q 1449 US

Form PTO 1449

(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

034298-097

Serial No.

09/859,682

Information Disclosure Statement by Applicant

Applicant: Ashby et al

Filed: 5/18/01

Group: 3765

(Use several sheets if necessary)

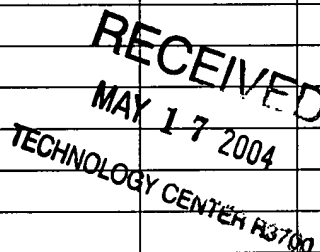
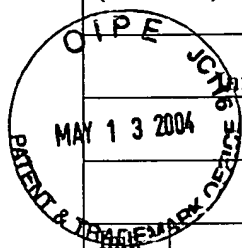
U.S. Patent Documents

	Document No.	Date	Name	Class	Subclass	Date
A	2,370,319		J.G. Lippincott			2/45
B	2,874,776		H.E. Hooe			2/59
C	3,358,689		John L. Higgins			12/19/67
D	3,411,505		P.D. Nobis			11/19/68
E	3,736,939		Glenn N. Taylor			6/5/73
G	4,098,728		Solomon Rosenblatt			7/4/78
H	4,219,026		Terry No. Layton			8/26/80
I	4,224,945		Jonathan Cohen			9/30/80
J	4,405,314		Constantin Copi			9/20/83
N	4,644,649		Seaman et al			2/87
K	4,699,616		George M. Norwak			10/13/87
L	4,832,688		Sagae, et al			5/23/89
M	4,839,204		Yoshino			6/13/89
F	4,869,143		Merrick			9/89
O	5,049,138		Chevalier et al			9/17/91
P	5,129,889		John L. Hahn			7/14/92
Q	5,192,290		Said Hilal			3/9/93
R	5,219,899		Panster et al			6/15/93
S	5,232,453		Plass et al			8/3/93
T	5,254,105		John Haaga			10/19/93
U	5,320,639		James Rudnick			6/14/94
V	5,342,388		Sonia Toller			8/30/94
W	5,350,399		Erlebacher et al			9/27/94
X	5,352,211		William Merskelly			10/4/94
F1	5,399,361		Song, et al			3/95
Y	5,447,502		John Haaga			9/5/95
Z	5,458,570		James May, Jr			10/17/95
A1	5,545,175		Abidin et al			8/13/96
B1	5,571,168		Connie Toro			11/5/96
C1	5,601,601		Tal et al			2/11/97
D1	5,620,461		Wouter M. Muijs Van De Moer			4/15/97
E1	5,674,346		Nikhil K. Kundel			10/7/97

Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.



Form PTO 1449
(Rev. 2-32)

Atty. Docket No.
034298-097

Serial No.
09/859,682

Applicant: Ashby et al

Filed: 5/18/01

Group: 3765

Information Disclosure Statement by Applicant

(Use several sheets if necessary)

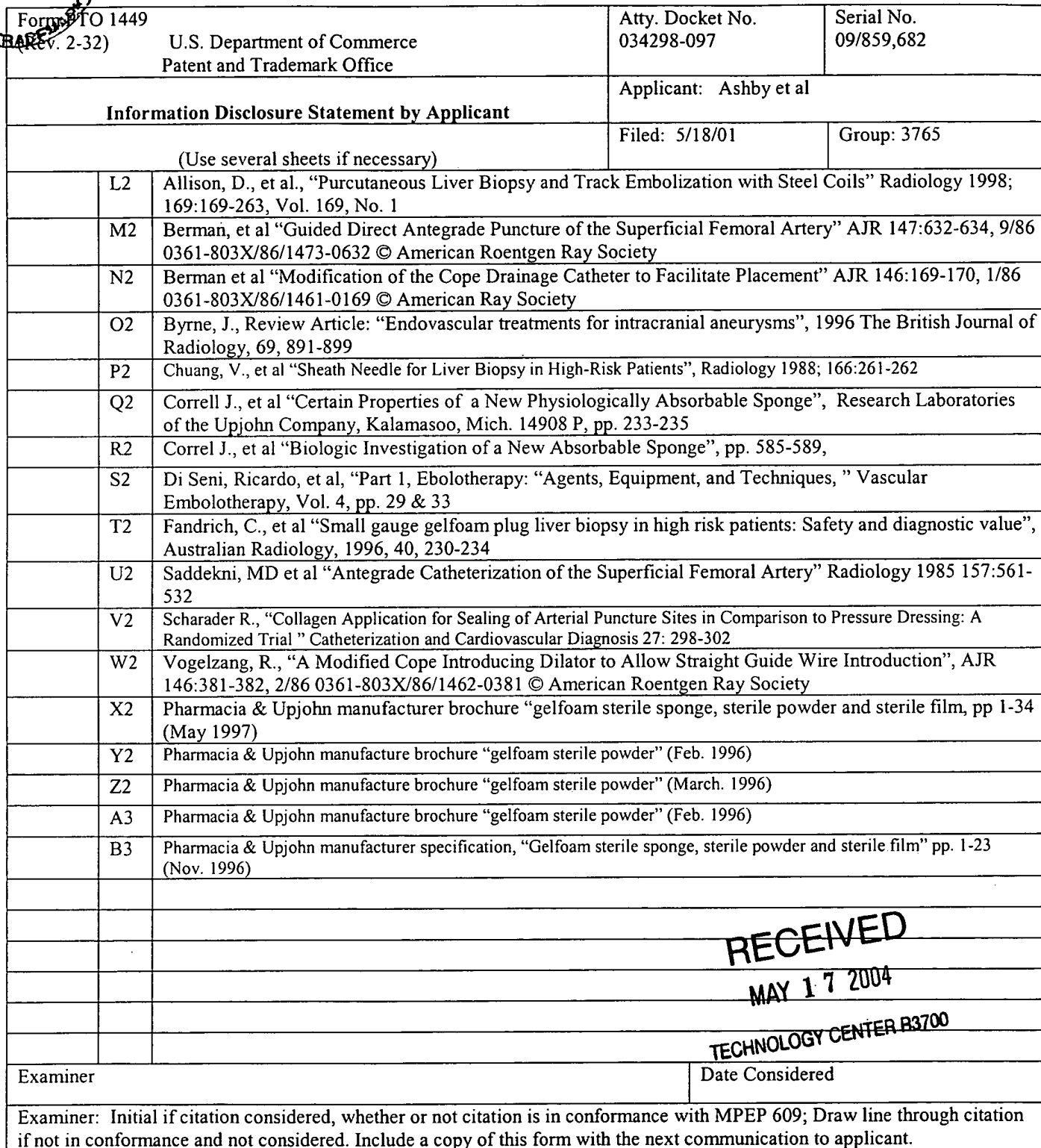
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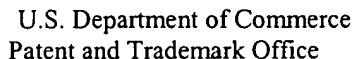
Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.

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Serial No.
09/859,682

Information Disclosure Statement by Applicant

Applicant: Ashby et al

Filed: 5/18/01

Group: 3765

(Use several sheets if necessary)

Our Pending Applications

C3	Ashby, Mark et al; Serial No. 10/287,922; filed: Nov. 4, 2002; entitled: Apparatus And Method For Inhibiting Blood Loss
D3	Ashby, Mark et al; Serial No. 10/069,107; filed: Dec. 16, 2002; entitled: Device And Method For Determining A Depth Of An Incision
E3	Ashby, Mark et al; Serial No. 10/278,710; filed: Oct. 22, 2002; entitled: System and Method for Facilitating Hemostasis of Blood Vessel Punctures With Absorbable Sponge
F3	Ashby, Mark et al; Serial No. 10/334,770; filed: Dec 31, 2002; entitled: Improved System and Method for Facilitating Hemostasis with Absorbable Sponge
G3	Ashby, Mark et al; Serial No. 10/421,680; filed Apr. 22, 2003; entitled: Puncture Closure System With Pin And Pull Technique
H3	Ashby, Mark et al; Serial No. 10/462,065; filed: Jun. 12, 2003; entitled: Enhanced Bleed Back System
I3	Ashby, Mark et al, Serial No. 10/462,064; filed: Jun. 12, 2003; entitled: Release Mechanism
J3	Ashby, Mark et al; Serial No. 10/461,587; filed: Jun. 12, 2003; entitled: Dissolvable Closure Device
K3	Ashby, Mark et al; Serial No. 10/461,035; filed: Jun. 13, 2003; entitled: System And Method For Delivering Hemostasis Promoting Material To A Blood Vessel Puncture Site
L3	Ashby, Mark et al; Serial No. 10/461,006; filed: Jun. 13, 2003; entitled: System and Method for Delivering Hemostasis Promoting Material to a Blood Vessel Puncture with a Staging Tube
M3	Ashby, Mark et al; Serial No. 10/460,859; filed: Jun. 12, 2003; entitled: Hemostatic Device Including a Capsule
N3	Ashby, Mark et al; Serial No. 10/732,441; filed: Dec. 9, 2003; entitled: Pledget-Handling System and Method for Delivering Hemostasis Promoting Material to a Blood Vessel Puncture Site By Fluid Pressure
Q3	Ashby, Mark et al; Serial No. 10/754,824; filed: Jan. 9, 2004; entitled: Sheath-Mounted Arterial Plug Delivery Device

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Examiner

Date Considered

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.